

## **NOTICE OF FILING AND PUBLIC HEARING**

D.T.E. 01-99

December 12, 2001

Petition of Western Massachusetts Electric Company for approval of the 2001 Amendatory Agreement arrangement between WMECo and Vermont Yankee Nuclear Power Corporation.

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Western Massachusetts Electric Company ("Company") filed a petition with the Department of Telecommunications and Energy ("Department") for approval, pursuant to G.L. c. 164, §§ 1A, 1G, 76, 94, and 94A of amendments to the existing power contract obligations between the Company and Vermont Yankee Nuclear Power Corporation ("Vermont Yankee") associated with the sale by Vermont Yankee of its nuclear power station ("Station") to Entergy Nuclear Vermont Yankee, L.L.C. This Petition is on file with the Department.

The Company and Vermont Yankee have existing power entitlement obligations between them consisting of: (1) a power contract dated, February 1, 1968, as amended by eight amendments; and (2) an additional contract dated February 1, 1984 (collectively, "Power Contract"). Under the Power Contract, the Company is obligated to take 2.5 percent of the output of the Station and pay the same percentage of the Station's operating and maintenance expenses and capital costs for a term through March 21, 2012.

The Company requests that the Department approve a 2001 Amendatory Agreement between the Company and Vermont Yankee that obligates the Company to pay Vermont Yankee its allocable share under Vermont Yankee's power purchase agreement with Entergy for the net capacity and output of the Station through March 21, 2012, based on a fixed price set forth in the Entergy power purchase agreement. In addition, the Company requests that the Department approve the inclusion of the costs associated with the 2001 Amendatory Agreement, if any, in the Company's transition charge. The Company states that the payments under the 2001 Amendatory Agreement will result in an approximate \$6.935 million in savings to retail customers when compared to the net present value of payments under the Power Contract. The Company further states that the 2001 Amendatory Agreement will transfer Vermont Yankee's risk of operation of the Station and decommissioning liability from the Company's customers to Entergy.

The Company's Petition may be inspected at the offices of the Department, One South Station, Boston, MA 02110, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m., or at the offices of the Company at 260 Franklin Street, 21st Floor, Boston, Massachusetts 02110 (Contact Person: Stephen H. Klionsky, Senior Counsel, (617) 345-4778).

The Department will hold a public hearing to receive comments on the Petition in this docket. The hearing will take place on Thursday, January 10, 2002, at 12:00 p.m. at the Department's offices, One South Station, 2nd Floor, Boston, Massachusetts 02110. A procedural conference will take place immediately following the public hearing.

Any person who desires to file written comments or to participate otherwise in this proceeding must file an original and three (3) copies of such written comments, or petition for leave to intervene in the proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, not later than the close of business (5:00 p.m.) Monday, January 7, 2002. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All written pleadings, comments, or petitions to intervene must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and to [Jesse.Reyes@state.ma.us](mailto:Jesse.Reyes@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) an easily identifiable case caption, (2) docket number, (3) name of the person or company submitting the filing, and (4) a brief descriptive title of document (e.g., comments or petition to intervene). The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), Microsoft Word (naming the document with a ".doc" suffix), or Adobe Acrobat (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's website, <http://www.state.ma.us/dpu>.